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Attorneys for Plaintiffs,  
Lloyd Thomas Bernard, II and Stephanie Celeste Tejada-Otero

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

LLOYD THOMAS BERNARD, II, et  
al.,

Plaintiffs,

v.

COUNTY OF SAN JOAQUIN, et al.,

Defendants.

Case No. 2:21-cv-00172-TLN-DB

**STIPULATION AND ORDER TO  
VACATE HEARINGS ON  
MOTIONS TO DISMISS AND  
FOR LEAVE TO FILE  
SECONDAMENDED  
COMPLAINT**

Judge: Hon. Troy L. Nunley  
Courtroom: 2, 15<sup>th</sup> Floor

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1 WHEREAS: Pro Se Plaintiffs Bernhard, and Tejada-Otero recently  
2 obtained counsel to assist them in the prosecution of their civil rights case. [Dkt.  
3 #s 58–61.]

4 WHEREAS: There are presently four motions to dismiss pending. [See,  
5 Dkt.#s 31, 47, 53, and 54.]

6 WHEREAS: As the matter stands, the time has passed for Plaintiffs to  
7 file oppositions to the motions appearing at Docket Numbers 31, 47, and 53.

8 WHEREAS: Defendants’ motions raise multiple issues, ranging from  
9 absolute immunity to improper service and other issues. [See, Dkt.#s 31, 47, 53,  
10 and 54.]

11 WHEREAS: Plaintiffs already have filed, in addition to their original  
12 complaint, two “First Amended Complaints.” [Dkt. #s 26–28.]

13 WHEREAS: Now that Plaintiffs have retained counsel with substantial  
14 experience prosecuting this type of civil rights case, their counsel has requested,  
15 and defense counsel has agreed, as a compromise, to allow Plaintiffs an  
16 opportunity to file another amended complaint with the assistance of  
17 experienced counsel as described in this stipulation.

18 WHEREAS: Plaintiffs’ new counsel has had an opportunity to review the  
19 First Amended Complaint, a portion of the underlying juvenile dependency case  
20 file, and interview the Plaintiffs. Based on said preliminary investigation efforts  
21 Plaintiffs’ counsel has represented that “it appears that the warrant issued at the  
22 outset was defective, and the application for it might also have been defective.  
23 But, from what I can tell, that warrant does not appear to have ever been  
24 executed. In short, it does not look like there is an unwarranted seizure claim  
25 arising from the fist warrant issued.” Thus, the proposed amendment will  
26 eliminate/dismiss all claims arising from the seizure or removal of the children,  
27 including any purported *Monell* claim arising from any such seizure or removal.  
28

1 WHEREAS: Plaintiffs' counsel will dismiss without prejudice those  
2 defendants as to whom his current investigations reveal no basis for a claim,  
3 which will include, without limitation Defendants San Joaquin County Human  
4 Services Agency, Diane Nowak, "Valesquez," Jasmine Ceja, Adriana Calderon,  
5 Danevia Rhone, Marisol Enos-Schafer, Adrenna Torrence, Shannon  
6 Blankenship (Siviengkham), and Yeni Gonzalaez.

7 WHEREAS: The amended complaint will be limited to claims for relief  
8 based on alleged unwarranted and/or improper medical examinations and/or  
9 procedures and allegations of deceptive presentation of evidence in Juvenile  
10 Court reports filed after January 15, 2019, during the pendency of the juvenile  
11 case.

12 WHEREAS: Taking account of the current circumstances as set out  
13 above, the parties, through their respective counsel, agree that the currently  
14 pending motions to dismiss shall be withdrawn and the hearing dates shall be  
15 vacated. In addition, Plaintiffs' new counsel shall have 30 days within which to  
16 file Plaintiffs' Second Amended Complaint.

17 WHEREAS: Defendants reserve the right to assert any and all defenses,  
18 and shall have 30 days from service of the Second Amended Complaint to  
19 move, plead, or otherwise respond to it.

20 SO STIPULATED.

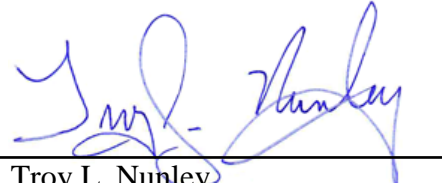
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22 March 1, 2023 The Law Offices of Shawn A. McMillan, APC.  
23 /S/ Shawn A. McMillan  
24 Shawn A. McMillan, Esq.  
Counsel for all Plaintiffs

25  
26 March 1, 2023 Herum Crabtree Suntag  
27 /S/ Dana Suntag, Esq.  
28 Dana Suntag, Esq.  
Counsel for Defendants County of San Joaquin,  
Human Services Agency, Sonia Piva, Adrenna  
Torrence, Marisol Enos-schaffer, Danevia

Rhone, Diane Nowak, Shannon Blankenship, Misty Arbuckle, Jazmin Ceja, Adriana Calderon, Yeni Gonzales (Not on Behalf of Defendants Leslie Billings or “Valesquez,” who have not been served with process).

**FINDING GOOD CAUSE, IT IS SO ORDERED.**

Dated: March 2, 2023

  
Troy L. Nunley  
United States District Judge